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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/688,394	10/17/2003	Darren Saravis	70288.020600	1352
33717	7590	02/09/2006	EXAMINER	
GREENBERG TRAUIG LLP 2450 COLORADO AVENUE, SUITE 400E SANTA MONICA, CA 90404			TRAN, HANH VAN	
			ART UNIT	PAPER NUMBER
			3637	

DATE MAILED: 02/09/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/688,394	Applicant(s) SARAVIS, DARREN	
	Examiner Hanh V. Tran	Art Unit 3637	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12/1/05 & 12/21/05.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 and 11-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7 and 11-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>8/4/05</u> . | 6) <input type="checkbox"/> Other: _____ |

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 12/1/05 & 12/21/05 has been entered.

Claim Objections

2. Claims 1-3 are objected to because of the following informalities: line 10, "means for attaching at least one elongated member" should be "means for attaching said at least one elongated member". Appropriate correction is required.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1, 3, 11-14, and 1-19 are rejected under 35 U.S.C. 102(b) as being anticipated by USP 3,856,147 to Piretti.

Piretti discloses a snap together connection system comprising all the elements recited in the above listed claims including, such as shown in Fig 4, a plurality of panels 1, a plurality of corner covers/connectors each having an elongated catch with flexible slot walls 3 having a length and being substantially rigid and having adequate memory

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and elasticity to deform and snap back, a latch with an enlarged head 6 having a length substantially similar as the length of the slot walls, at least one elongated member 7, means for attaching said at least one elongated member to the corner panel cover, at least one alignment stop 8 to limit sliding movement of a snapped together latch and catch, wherein the elongated catch and latch extend at a fixed angle relative to each other; through which the first corner cover and the second corner cover are connected together by snapping the elongated latch of either the first corner cover or the second corner cover into the elongated catch of the other cover corner, with said catch and latch combination being firmly mated with each other.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

7. Claims 2, 4-7, and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Piretti in view of USP 5,888,114 to Slocum et al.

Piretti discloses all the elements as discussed above except for the attaching means is a fastener for attaching the elongated member to said corner panel cover; or a mounting plate with a mounting guide, wherein a fastener is positioned through the mounting guide; or the fastener is a cavity of a mounting guide, through which the cavity of the mounting guide is sized to secure the elongated member within the cavity.

Slocum et al discloses a snap together modular storage system comprising all the elements recited in the above listed claims including (1) a plurality of panels each with four edges, four corners, a front side and a back side; (2) alternating plastic latches and catches with “deformable” slot walls formed near the corners each extends at approximately a 45 degree angle from the front and back sides, an alignment stop formed as part of each latches, and a corner buttress, with a support edge, formed at the junction of a latch and catch on adjacent sides of a corner, the support edge of each adjacent corner buttresses contact each other and form a larger corner support, figs 54-75. Slocum et al further teaches the idea of providing the latch and catch on a removable panel cover, supported one a front side of the panel cover, such as shown in Figs 1-16, means for attaching the panel cover to one of said panels by a slide-on mounting catch, or a snap-on mounting catch, such as shown in Figs 1-16, or a through-mount attachment guide with a fastener, such as shown in Fig 59, wherein providing the latch and catch on a removable panel cover increases the overall versatility of the snap together attachment system by allowing a user to customize the modular system by choosing the desired type, material and size of the panel element and then combining it with the panel covers. Therefore, it would have been obvious to modify the structure of

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Piretti by providing the attaching means being a fastener for attaching the elongated member to said corner panel cover; or a mounting plate with a mounting guide, wherein a fastener is positioned through the mounting guide; or the fastener is a cavity of a mounting guide, through which the cavity of the mounting guide is sized to secure the elongated member within the cavity; wherein providing the latch and catch on a removable panel cover increases the overall versatility of the snap together attachment system by allowing a user to customize the snap together attachment system by choosing the desired type, material and size of the panel element and then combining it with the panel covers, as taught by Slocum, since both teach alternate conventional modular structure, thereby providing structure as claimed.

Response to Arguments

8. Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

9. Upon further consideration, the indicated allowable subject matter of claims 14-15 is hereby withdrawn. Any inconvenience is regretted.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hanh V. Tran whose telephone number is (571) 272-6868. The examiner can normally be reached on Monday-Thursday, and alternate Friday.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lanna Mai can be reached on (571) 272-6867. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



HVT

February 6, 2006

Hanh V. Tran
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